



**SOUTH CAROLINA  
DEPARTMENT OF TRANSPORTATION**

# **Policies and Procedures for the PREQUALIFICATION OF PRIME CONTRACTORS**

**Rev. July 1, 2012  
Replaces Previous Versions**

This Policy and Procedure document is a working document that may be updated as necessary to change and grow with the need of the organization. Please verify that the most current version is being used.

This document coincides with the *South Carolina Department of Transportation Prime Contractor Prequalification Application, SCDOT Form CA-1, Rev. July 1, 2012.*

**Office of the  
DIRECTOR OF CONSTRUCTION**

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## *Purpose*

This document is maintained to establish SCDOT's policy and procedure for conducting a prequalification review and evaluation and to provide continuity in carrying out this function as changes in personnel occur. In addition to the governing statutes, SCDOT maintains and pursues this internal procedure to ensure that the prequalification review, evaluation, and approval process is consistent and supports the goal of evaluating a contractor's ability to successfully complete a SCDOT construction or maintenance project.

## *Executive Summary*

Sole proprietorships, partnerships, limited liability companies or partnerships, corporations are eligible to bid as a prime contractor on construction work for the Department of Transportation shall have prequalified as herein required. No bids for such work will be considered by the Department of Transportation except from persons, firms or joint ventures that have so prequalified.

State and federal statutes and regulations require the South Carolina Department of Transportation to award a maintenance and construction contract to the lowest responsive and responsible bidder. The same statutes and regulations allow the SCDOT to prequalify all bidders to ensure that the lowest responsive and responsible bidder has the ability to successfully complete the project.

The Prequalification review process includes a Preliminary Review, to ensure that all the requirements for submission of a prequalification application have been met. If the application passes the Preliminary Review, a Final Review and Evaluation is performed to determine if the contractor has met the criteria for prequalification.

If the application is approved, a *Prequalification Certificate* is issued to the prime contractor, allowing it to apply for bidding credentials and ultimately to submit a bid on any SCDOT construction or maintenance project let through office of the Director of Construction. If the application is not approved, concurrence by the Director of Construction is required.

An electronic copy of this document is available on the following Internet webpage:

[http://www.scdot.org/doing/contractor\\_Prequalified.aspx](http://www.scdot.org/doing/contractor_Prequalified.aspx)

## *Goal*

*The goal of prequalification is to impartially evaluate and prequalify contractors, who by their responsible business practices, work experience, manpower, and equipment, demonstrate the ability to successfully complete a SCDOT construction project.*

## *Governing Statutes and Regulations*

- *South Carolina Code of Laws, Section 40-11-360. Exemptions from application of chapter; content of posters to be distributed to building permit offices.*

*Article (A)(4)* of this law exempts contractors performing construction work for the SCDOT from the State contractor licensing requirements because they are prequalified by the Department.

- *South Carolina Code of Laws, Section 57-5-1650. Regulations as to qualifications of contractors permitted to bid on work.*

This State statute allows the Department to establish requirements for qualification of contractors bidding on work for the Department.

- *South Carolina Code of Regulation, Sections 63-300 through 63-306. Prequalification of Bidders.*

*Article 63-300* states that all prime contractors bidding on SCDOT projects must be prequalified.

*Article 63-301* gives the basis for prequalification.

*Article 63-302* states that all prequalified contractors will be issue a Prequalification Certificate indicating that they are prequalified.

*Article 63-303* requires the contractor to sign a sworn statement attesting to his ability to handle the work on which he becomes eligible to bid, a description of the equipment he owns or leases, references having knowledge of his character, experience, and capabilities, and any other information the requested by the Department.

*Article 63-304* states that failure to carry out any contract will disqualify a contractor from bidding on other contracts.

*Article 63-305* states that contractors that do not show satisfactory progress will not be able to bid on additional work, and contractors that show incompetency or irresponsibility may be disqualified.

*Article 63-306* gives the policy and reasons for contractor disqualification and suspension from participation in contract with the Department.

*Article 63-307* allows the department to use a contract performance evaluation system that may put result in a minimum required contractor score being assign to a project. This is a prequalification for bidding on the project because contractors with scores below the set minimum score are not eligible to bid on that particular project.

- *Code of Federal Regulations 23 CFR 635.110. Licensing and qualification of contractors.*

This Federal regulation allows the State Transportation Department (STD), which in this case is the SCDOT, to prequalify bidders on Federal-aid highway construction contracts. It also goes on to state what licensing cannot be required to bid on a contract, but it can be a requirement for award.

## ***SCDOT Prequalification Personnel***

The following SCDOT personnel are involved in the prequalification process:

- Prequalification Coordinator
- Prequalification Engineer
- Director of Construction

## ***Prequalification Application***

In accordance with the *South Carolina Code of Regulations, Section 63-303* and *South Carolina Code of Laws, Section 57-5-1650*, the prequalification application for an individual contractor consists of the following documents:

- *Prime Contractor Prequalification Application, SCDOT Form CA-1, Rev. July 1, 2012*, with a properly executed true and correct *Affidavit*
- One of the two Experience Modification Rate (EMR) verification documents specified in the application.
- If the contractor is a bridge painting contractor: Certificate *SSPC-QP1, Protective Coatings of Complex Structures*, and Certificate *SSPC-QP2, Industrial Hazardous Paint Removal*, are requested.
- Any addition pages used to answer questions in the application.

Samples of the documents referenced above can be found in the Appendix of this document.

*SC Code of Regulations, Article 63-601* also requires a prime contractor applying for prequalification for the first time to submit the prequalification package to the Department at least seven (7) days before the first letting in which it wishes to bid. The seven (7) days are calendar days and submission means postmarked by the US postal service or hand-delivered to the Department. Delays due to inclement weather will be taken into consideration in application of this requirement.

## ***Preliminary Review***

The Prequalification Coordinator performs the Preliminary Review of renewal applications in the chronological order in which they were received with the exception that first-time applications are given priority.

### ***Scope***

The Preliminary Review consists of the following functions:

1. Log the prequalification applications into the Prequalification Log in the chronological order in which they are received.
2. Check to see that all the required documents of the application have been submitted.
3. Check to see that the Affidavit has been properly executed.
4. Check to see that all the questions in the application have a legible, coherent, and relevant answer.

## **If a Deficiency is Found**

If there is a deficiency found in the application, the Prequalification Coordinator contacts the person named as the Contact Person in the application either by telephone, e-mail, or both. The deficiency is explained, and the contact is noted in the Prequalification Log. When the contractor responds, the application is updated with the submitted information. If the deficiency is minor, the Prequalification Coordinator can make the change to the application based on information in an e-mail from the contractor.

## **Non-Responsive Applicant**

If the contractor fails to respond within two weeks after the initial contact from the Prequalification Coordinator, a follow-up contact is made. If contractor fails to respond within two weeks after the follow-up contact, the contractor is deemed non-responsive, and the application is closed. If the contractor wishes to pursue prequalification, it must submit a new application and it is logged in as a new application.

## **Review Completed**

After performing the Preliminary Review and no deficiencies are found, or if all deficiencies have been resolved, the application is passed on to the Prequalification Engineer to perform the Final Review and Evaluation.

## ***Final Review and Evaluation***

In accordance with *South Carolina Code of Regulations, Section 63-301*, prequalification of a contractor is based on a verified showing of experience, responsibility record, and available equipment. A prerequisite to prequalification will be a sworn statement furnished to the Department by the applicant. The statement must be made on a form provided in the application and must include all information required by the Department.

The Prequalification Engineer performs the Final Review and Evaluation of applications for the renewal of prequalification in the chronological order that they were received. First-time applications for prequalification are given priority over renewal applications.

## **Criteria for Approval of Prequalification**

The Prequalification Engineer performs the Final Review and Evaluation using the following criteria:

- a. All questions in the application have an acceptable answer and there is consistency in the answers.
- b. No intentionally false or misleading information is provided.
- c. The company is not affiliated or otherwise connected to an individual or entity currently serving a criminal sentence or civil judgment for commission of a crime or act reflecting lack of business integrity or business honesty.
- d. The company demonstrated successful experience in highway or highway related type of work.
- e. The company has sufficient field supervisors and labor manpower to perform at least 30% of the work on a highway project that it would most likely bid.
- f. The company has sufficient and appropriate equipment to perform at least 30% of the work on a highway project on which it would most likely bid.

- g. In Questions 28 through 34, the NO response is selected. If the YES response is selected for any Questions 28 through 34, a full explanation must be provided and all restitution made, all penalties paid, all sentences served, and the company must be currently in good standing with all local, state, and federal agencies.

If any of the principal partners is currently under disqualification, suspension, or debarment, but prequalification can otherwise be approved and if the disqualification, suspension, or debarment can be cleared within 90 days, the issuance of the *Prequalification Certificate* is put in a "Hold" status. Otherwise the prequalification is denied. Once the disqualification, suspension, or debarment is cleared the contractor may re-apply.

If a currently prequalified company is put a Default of Delinquency status with the SCDOT, their prequalification is suspended until the cause of the Default or Delinquency status is resolved. Until it is cleared, the contractor cannot bid as a prime contractor or perform work as a subcontractor. Once cleared, the suspension is lifted.

- h. The company has not been formed with the same ownership, similar management, or principal employees as a company currently in disqualification, suspension, or debarment.
- i. The company is not under the protection of a Bankruptcy Court or does not have a pending petition in a Bankruptcy Court, or has pending assignment of assets for benefit of creditors. (Question 35).

If the Prequalification Engineer needs more information concerning criteria given above, the information is requested from the contractor's Contact Person. The request is noted in the Prequalification Log.

## Non-Mandatory Items

The following items are requested in the application, but are not mandatory:

1. A South Carolina General Contractor License issued by the SC Department of Labor, Licensing, and Regulation. This is not a mandatory requirement for prequalification because *South Carolina Code of Laws, Section 40-11-360(A)(4)* exempts SCDOT's prequalified contractors from the licensing requirements.
2. If the contractor's company is a corporation, limited liability company, limited partnership, or a limited liability partnership, the application asked for information concerning its filing with the South Carolina Secretary of State. If the contractor has not filed, it will not hold up its prequalification, but the contractor is reminder that it must file before starting work in South Carolina.
3. If the contractor performs bridge cleaning and painting work, Question 25 in the application asks if the contractor has *SSPC-QP1* and *SSPC-QP2* certificates. These certificates verify completion of courses in the Society for Protective Coatings, Painting Contractors Certification Program. They are required by the EPA before a contractor can remove hazardous paint from a structure (*SSPC-QP2*) or begin field application of coatings on complex structures (*SSPC-QP1*). They are not mandatory for prequalification, but if the contractor does not have current certificates, it is reminded that they are necessary before he can start work on a bridge painting project.

Although not required, if a contractor has these items, they help to illustrate the contractor's skills and abilities.

## Non-Responsive Applicant

If the contractor fails to respond within two weeks after the initial contact by the Prequalification Engineer, a follow-up contact is made. If contractor fails to respond within two weeks after the follow-up contact, the contractor is deemed non-responsive, and the application is closed. If the contractor wishes to pursue prequalification, it must submit a new application and it is logged in as a new application.

## Denial of Prequalification

If the Prequalification Engineer finds that the application has failed to satisfy one or more of the criteria for prequalification, a *Prequalification Not Approved, SCDOT Form PQ-1, July 1, 2012*, is prepared indicating the reason(s) for denial of prequalification. The form is signed by the Prequalification Engineer and sent to the Director of Construction for concurrence.

If the Director of Construction concurs in the denial of prequalification, he signs the *SCDOT Form PQ-1* and returns it to the Prequalification Engineer. Upon receipt of the signed *SCDOT Form PQ-1*, the Prequalification Engineer sends a letter to the contractor informing it of the denial of prequalification and states the reason for the action. The letter and the *SCDOT Form PQ-1* are filed in the Prequalification Denied files.

If the Director of Construction doesn't concur in the denial of prequalification, the Director of Construction and the Prequalification Engineer discuss the application, and the application is re-evaluated.

## Approval of Prequalification

If after performing the Final Review and Evaluation for first-time applicants, the Prequalification Engineer determines that in his judgment the contractor has satisfied all the criteria for prequalification, a *Prime Contractor Prequalification Certificate, SCDOT Form CERT-1* is prepared, and the Prequalification Engineer indicates his approval by signing it. The prequalification package is then sent to the Director of Construction for his review and comments. If the DOC has no comments or objections, the new *Prequalification Certificate* is sent to the contractor.

If after performing Final Review and Evaluation for renewal applicants, the Prequalification Engineer determines that in his judgment the contractor has satisfied all the criteria for the renewal of prequalification, a *Prequalification Certificate* is prepared, and the Prequalification Engineer indicates approval by signing it. If there are no issues that the Prequalification Engineer feels should be brought to the attention of the DOC, the new *Prequalification Certificate* is sent to the contractor without further review.

## Prequalification Certificate

In accordance with *South Carolina Code of Regulations, Section 63-302*, if prequalification is approved, a *Prime Contractor Prequalification Certificate, SCDOT Form CERT-1* is prepared. The certificate includes a *SCDOT Vendor No.*, which is unique to that contractor. The certificate also has the Expiration Date of the certificate and the date the certificate was issued. The original *Prequalification Certificate* is mailed to the contractor. If the contractor is a first time prequalifier, a copy of the certificate is also faxed to the contractor.



At the bottom of the certificate is the latest *Contractor Performance Score (CPS)* that has been issued to the contractor. More information about can be found in the *CPE Policies and Procedures*. A copy can be found on the following Internet webpage:

[http://www.scdot.org/doing/contractor\\_Prequalified.aspx](http://www.scdot.org/doing/contractor_Prequalified.aspx)

## ***Expiration and Renewal of the Prequalification Certificate***

All *Prequalification Certificates* have an expiration date that coincides with an alphabetic-calendar cycle. This cycle is illustrated in the table in Figure 1.

First letter in Company Name	Expiration Date
A	January 31
B - C	February 28/29
D - E - F - G	March 31
H - I - J	April 30
K - L	May 31
M - N	June 30
O - P	July 31
Q - R	August 31
S	September 30
T	October 31
U - V - W	November 30
X - Y - Z	December 31

Figure 1. Expiration Schedule

For example: Able Contracting Company *Prequalification Certificate* would have an Expiration Date of January 31<sup>st</sup> every year. To remain prequalified and eligible to bid, barring suspension or disqualification, the contractor's renewal package must be received by the SCDOT before the close of business on their *Prequalification Certificate* Expiration Date.

Although a contractor's *Prequalification Certificate* will always expire on the day in the table in Figure 1, the term of the first *Prequalification Certificate* will vary depending on when the first certificate is issued. The initial term of prequalification can vary from a minimum of six (6) months to a maximum of seventeen (17) months depending on the Expiration Date shown in Figure 1 above. The following 3 examples illustrate how the term of an initial *Prequalification Certificate* can vary:

1. If the Able Company's *Prequalification Certificate* was issued on January 18, 2011, the Expiration Date on the *Prequalification Certificate* would be January 31, 2012. Its term of prequalification would be twelve (12) months.
2. If the Able Company's *Prequalification Certificate* was issued on July 18, 2011, the Expiration Date on the initial *Prequalification Certificate* would be January 31, 2012, and the term would be six (6) months.

3. If the Able Company's *Prequalification Certificate* was issued on August 18, 2011, the Expiration Date on the *Prequalification Certificate* would be January 31, 2013, because if the Expiration Date was set at January 31, 2012 as in Example 2 above, the term would be less than six (6) months. An Expiration Date of January 31, 2013 would have a term of seventeen (17) months.

After the initial term, if the contractor submits the renewal package before the certificate expires, the length of subsequent terms will always be twelve (12) months.

## ***Prequalification Renewal Documents***

The documents required in the prequalification renewal application are the same documents required for the initial prequalification application. The only difference is the current versions must be used, and any new documents required since the previous application must be submitted.

## ***Withdrawal or Suspension of a Prequalification Certificate***

***"Recognizing that preserving the integrity of the public contracting process is vital to the development of a balanced and efficient transportation system and is a matter of interest to all people of the State..." South Carolina Code of Regulations, Section 63-306(A).***

If a contractor is disqualified or suspended by the Department, its *Prequalification Certificate* shall be immediately withdrawn or suspended.

In accordance with the *South Carolina Code of Regulations, Sections 63-304 through 306*. The Department may disqualify or suspend a contractor from bidding for the acts or omissions:

- a. Failure to carry out a contract.
- b. Failure to maintain suitable progress on a contract.
- c. Conviction of any crime reflecting a lack of business integrity or business honesty, including but not limited to, crimes involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statement, receiving stolen property, anti-trust violations, making false claims, making any unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.
- d. Civil judgment for any acts or omissions reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

- e. Final administrative decisions by any governmental agency responsible for supervising or regulating public contracts, standards of ethical conduct or licensure for any acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.
- f. Any act or omission reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of a debarment agreement, violation of the ethical standards or conspiracy to commit any of the above.
- g. Any act or omission reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of a debarment agreement, violation of the ethical standards or conspiracy to commit any of the above.
- h. Willful violation of any provision of a contract with the Department, or any regulatory or statutory provision relating to such contract, while serving as a contractor, subcontractor or supplier.
- i. Persistent failure to perform or incompetent performance on one or more contracts with the Department as a contractor, subcontractor or supplier.
- j. Knowingly allowing any person disqualified or suspended by the Department or by any other governmental or regulatory agency, to serve as a subcontractor or supplier or to play any other role under any contract with the Department without prior written authorization from the Department.
- k. Failure to cooperate fully and completely with any investigation by the Department or any other appropriate regulatory or law enforcement agency. Such cooperation shall include, but not be limited to, disclosure of all written or computerized records and a full and complete accounting of the person's actions in the matter under investigation. Assertion of Fifth Amendment right against self-incrimination shall not be construed as a failure to cooperate.

A contractor may seek relief from the disqualification or suspension by requesting a contested case hearing before an Administrative Law Judge pursuant to *South Carolina Code of Laws, Section 1-23-600(H)* and the rules of procedure for the Administrative Law Judge Division. The request for a hearing must be made within thirty (30) days of receipt of the Departments Notice of Disqualification or Suspension.

## ***Reinstatement of Contractor's Certificate***

In accordance with *South Carolina Code of Regulations, Section 63-306(H)*, the disqualified or suspended contractor may apply for the reinstatement of its *Prequalification Certificate* upon completion of the satisfaction of all conditions imposed by the Department. Any application for the reinstatement of a *Prequalification Certificate* shall be subject to the then existing statutory and regulatory provisions and Departmental policies relating to prequalification of bidders.

## ***Retention of Documents***

The prequalification files are located in the Contracts Administration office. The Prequalification Certification, transmittal letter, and the Analysis of Prequalification Application Received form are stapled to the front of approved prequalification applications, which are stored in Active Prequalification files in alphabetical order by the contractor name. The files are maintained in the Active files until the contractor fails to renew the prequalification.

Once a contractor fails to renew the prequalification the file is moved to the In-Active files and retained for three (3) years, after which they are destroyed.

## ***For Information and Questions***

For any questions concerning the SCDOT Prequalification, please contact the SCDOT Contract Engineer by telephone at (803)737-1434 or (803)737-2043, or by mail at the following address:

SCDOT Contract Engineer  
Construction Office, Room 330  
PO Box 191  
Columbia, SC 29202

A copy of this document is available on-line at the following Internet webpage:

[http://www.scdot.org/doing/contractor\\_Prequalified.aspx](http://www.scdot.org/doing/contractor_Prequalified.aspx)

# Appendix

## *Laws and Regulations*

<i>South Carolina Code of Laws, Section 40-11-360 .....</i>	<i>A-2</i>
<i>SC Code of Laws, Section 57-5-1650 .....</i>	<i>A-4</i>
<i>SC Code of Regulations, Sections 63-300 through 307 .....</i>	<i>A-5</i>
<i>Code of Federal Regulations, 23 CFR 635.110 .....</i>	<i>A-10</i>

## *Prequalification Documents*

<i>Prime Contractor Prequalification Application, SCDOT Form CA-1 .....</i>	<i>A-11</i>
<i>SSPC-QP1 .....</i>	<i>A-30</i>
<i>SSPC-QP2 .....</i>	<i>A-31</i>
<i>SCDOT Prime Contractor Prequalification Certificate, SCDOT Form CERT-1 .....</i>	<i>A-32</i>
<i>Prequalification Not Approved, SCDOT Form PQ-1 .....</i>	<i>A-33</i>

# SOUTH CAROLINA CODE OF LAWS

## TITLE 40 PROFESSIONS AND OCCUPATIONS

### CHAPTER 11. CONTRACTORS

#### ARTICLE 1. IN GENERAL

**SECTION 40-11-360.** Exemptions from application of chapter; content of posters to be distributed to building permit offices.

(A) This chapter does not apply to:

(1) an entity which installs fire sprinkler systems if the entity is licensed under Chapter 45 of Title 23, or burglar and fire alarm systems if the entity is licensed under Chapter 79 of Title 40;

(2) The installation of finished products, materials, or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure. Work requiring licensure must be installed by a licensed contractor;

(3) Construction, alteration, improvement, or repair carried on within the limits of a site, the title to which is in the name United States of America or with respect to which federal law supersedes this chapter;

(4) Contractors performing construction work for the South Carolina Department of Transportation pursuant to that department's prequalification requirements with the exception of public/private partnerships performing work pursuant to Section 57-3-200;

(5) An owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if he does the work himself, with his own employees, or with licensed contractors; provided that the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or occupancy by the owner's family and are not intended for sale or rent, and provided further, that the general public does not have access to this structure. In an action brought under this chapter, proof of the sale or rent or the offering for sale or rent of the structure by the owner-builder within two years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent and is subject to the penalties provided in this chapter. As used in this item, "sale" or "rent" includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property;

(6) An owner of nonowner-occupied property who improves the property or who builds or improves structures of less than five thousand square feet or other appurtenances on the property, either by himself or with the owner's employees, if all structural and mechanical work is performed by licensed contractors regardless of the cost of construction and if the property is not sold for two years after completion of the improvements. For purposes of this item, "structural" means foundation, pier, load-bearing partition, perimeter wall, internal wall exceeding ten feet in height, roof, floor, and any other work deemed by the board to be structural. "Mechanical" means work described in Section 40-11-410(5);

(7) An owner constructing a farm building or portable storage building with less than five thousand square feet of floor space and used only for livestock or storage;

(8) Public owners performing all or a portion of any work on a project themselves as long as the work performed falls within the limitations of a License Group 3 General Contractor or a License Group 4 Mechanical Contractor, as adjusted by an inflation factor reflecting the Department of Labor's Consumer Price Index.

(9) Renovations and maintenance projects of the South Carolina Department of Corrections whereby all labor is supplied from that department's own labor forces.

(10) The South Carolina Public Service Authority when performing maintenance and renovations to existing facilities and when performing work in accordance with Section 40-11-410(4)(n).

(B) The board shall distribute posters to each building permit office in the State requesting that the posters be placed in a conspicuous location to be read by applicants. The posters shall state the following:

"The South Carolina Contractor's Licensing Act requires general and mechanical construction to be performed by licensed contractors. Both the owner and the contractor are subject to penalties for violations of the law. Work performed on projects is exempt from this requirement only for the following reasons:

(1) The total cost of construction is less than \$5,000.00;

(2) The property will be used solely by the owner and his immediate family as a residence for a period of at least two years;

(3) For nonresidential projects, work performed by the owner is limited to nonstructural and non-mechanical portions of the project, or;

(4) The project is a farm building or portable storage building less than five thousand square feet used only for livestock or storage.

All other work must be performed by properly licensed contractors. All persons directly employed by the owner to perform work on the project are subject to state and federal laws covering occupational safety, family and medical leave, workers' compensation, social security, income tax withholding, and minimum wage requirements. Work performed must comply with all applicable laws, ordinances, building codes, and zoning regulations."

# **SOUTH CAROLINA CODE OF LAWS**

## **TITLE 57**

### **HIGHWAYS, BRIDGES AND FERRIES**

#### **CHAPTER 5.**

#### **STATE HIGHWAY SYSTEM**

#### **ARTICLE 11.**

#### **CONSTRUCTION CONTRACTS AND PURCHASES**

**SECTION 57-5-1650.** Regulations as to qualifications of contractors permitted to bid on work.

The Department may establish such reasonable regulations as the Department may deem appropriate with respect to the qualifications of contractors allowed to bid on work of the Department. Such regulations may fix eligibility requirements for bidders according to available capital and with due regard to experience and records of past performance. But in no case shall the eligibility rating of any bidder be influenced by nationality or place of residence. No regulations with respect to the qualifications of bidders shall become effective until at least thirty days after such regulations shall have been formally adopted and published.



# **SOUTH CAROLINA CODE OF REGULATIONS**

## **CHAPTER 63**

### **DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION**

#### **ARTICLE 4**

#### **ENGINEERING**

##### **SUBARTICLE 1**

##### **PREQUALIFICATION OF BIDDERS**

63-300. Prequalification of Eligible Contractors.

Persons, firms or corporations eligible to bid as a prime contractor on construction work for the Department of Transportation shall have prequalified as herein required. No bids for such work will be considered by the Department of Transportation except from persons, firms or corporations that have so prequalified.

63-301. Basis for Prequalification.

Prequalification will be based on a verified showing of experience, responsibility record, and available equipment. A prerequisite to prequalification will be a sworn statement furnished to the Department by the applicant. The statement must be made on a form provided by the Department of Transportation and must include all information required by the Department.

Contractors making application for prequalification for the first time must file their statements with the Department at least seven (7) days prior to the date on which they desire to become qualified for bidding.

63-302. Certificate.

Each contractor qualifying under these rules and regulations will be furnished a Prime Contractor's Prequalification Certificate showing the contractor is prequalified and the expiration date of the certificate.

63-303. Contents of Sworn Statement.

The sworn statement called for in 63-301 shall be made by filling in the Department's standard questionnaire form and shall show:

(a) The experience of the applicant in handling the character of work for which it desires to become an eligible contractor.

(b) A description of the equipment owned or leased by the applicant.

(c) list of references, giving names of responsible persons having knowledge of the applicant's character, experience and capabilities.

(d) Such other information as may be called for in the Department's form.

63-304. Failure to Carry Out Contract as Disqualification.

No applicant who has failed to carry out any contract awarded by the South Carolina Department of Transportation will be qualified as eligible. This requirement, however, shall not serve to bar persons having so failed from serving as employees of otherwise eligible contractors.

63-305. Disqualification of Unsatisfactory Contractors.

A contractor whose progress on work underway is not satisfactory to the Department will not be awarded additional work. Contractors whose conduct of their work shows incompetency or irresponsibility may be disqualified without notice.

63-306. Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation.

A. Policy Statement. Recognizing that preserving the integrity of the public contracting process is vital to the development of a balanced and efficient transportation system and is a matter of interest to all people of the State, it is hereby declared:

1. The procedures for bidding and qualification of bidders on contracts involving the South Carolina Department of Transportation exist to secure the quality of public works.
2. The opportunity to bid on contracts, to participate as subcontractor or to supply goods or services to the Department is a privilege, not a right.
3. In order to preserve the integrity of the public contracting process, the privilege of transacting business with the Department should be denied to persons involved in criminal and/or unethical conduct.
4. Therefore, as a means of maintaining the integrity of the public contracting process and protecting the public at large, persons engaging in criminal and/or unethical conduct will not be allowed to transact business with the Department during the period of any suspension or disqualification.

B. Definitions.

1. Affiliate: Any business entity having direct or indirect control over, or which is controlled directly or indirectly, by any person who has been disqualified, suspended or prevented from bidding because of a contractor score. Indicia of control include, but are not limited to: interlocking management or ownership; identity of interest among family members; shared facilities and equipment; common use of employees; or any business entity organized following the suspension or disqualification of a person which has the same or similar management, ownership, or principal employees of the disqualified or suspended person.
2. Business Entity: A corporation, partnership, limited partnership, association or sole proprietorship.
3. Civil Judgment: The disposition of a civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation or otherwise, creating civil liability for the wrongful acts complained of.
4. Commission: The Commission of the South Carolina Department of Transportation.
5. Contractor's Certificate: A Prequalification Certificate issued by the Department to qualified contractors as a necessary condition to bid on contracts with the Department.
6. Conviction: A judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of non contendere.
7. Department: South Carolina Department of Transportation.
8. Disqualification: An action taken in accord with these regulations to exclude a person from participating as a contractor, subcontractor, supplier, or in any other role under any contract with the Department during the period of disqualification.
9. Secretary: The Secretary of Transportation of the State of South Carolina.

10. Person: Any individual, corporation, partnership, limited partnership, association, sole proprietorship or any other business entity.

11. Principal: Officer, director, owner, partner, key employee or any other person within a business entity with primary management or supervisory responsibilities; or a person who has critical influence on or substantial control over the actions or conduct at issue, whether or not employed by the business entity.

12. Suspension: An action taken in accord with these regulations that immediately excludes a person from participating in any contracts with the Department for a temporary period.

13. Unlawful payment or gratuity: Transfer of anything of value to a Department employee in violation of state statute or regulatory law or Departmental policy.

C. Disqualification. Any person who violates any of the standards of conduct identified below may be subject to disqualification or suspension. Disqualification may be imposed for:

1. Conviction of any crime reflecting a lack of business integrity or business honesty, including but not limited to, crimes involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statement, receiving stolen property, anti-trust violations, making false claims, making any unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

2. Civil judgment for any acts or omissions reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

3. Final administrative decisions by any governmental agency responsible for supervising or regulating public contracts, standards of ethical conduct or licensure for any acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of ethical standards or conspiracy to commit any of the above.

4. Any act or omission reflecting a lack of business integrity or business honesty, including, but not limited to, acts or omissions involving fraud, deceit, embezzlement, theft, forgery, bribery, falsification or destruction of records, bid rigging, price fixing, making false statements, receiving stolen property, anti-trust violations, making false claims, making an unlawful payment or gratuity, obstruction of justice, violation of a debarment agreement, violation of the ethical standards or conspiracy to commit any of the above.

5. Willful violation of any provision of a contract with the Department, or any regulatory or statutory provision relating to such contract, while serving as a contractor, subcontractor or supplier.

6. Persistent failure to perform or incompetent performance on one or more contracts with the Department as a contractor, subcontractor or supplier; or

7. Knowingly allowing any person disqualified or suspended pursuant to this regulation, or by any other governmental or regulatory agency, to serve as a subcontractor or supplier or to play any other role under any contract with the Department without prior written authorization from the Secretary.

8. Failure to cooperate fully and completely with any investigation by the Department or any other appropriate regulatory or law enforcement agency. Such cooperation shall include, but not be limited to, disclosure of all written or computerized records and a full and complete accounting of the person's actions in the matter under investigation. Assertion of Fifth Amendment right against self-incrimination shall not be construed as a failure to cooperate under this regulation.

D. Suspension. In the event the Department finds that the public health, safety or welfare imperatively requires emergency action, a suspension may be implemented immediately pending a hearing, which shall be promptly provided on the issue of suspension. The grounds for a suspension shall be in accord with the standards for disqualification enumerated above.

E. Procedures.

1. Notice of disqualification, suspension, or sanctions may be issued by the Secretary and shall include:

(a) A reference to the particular sections of the statutes, regulations, and rules involved;

(b) A short and plain statement of the matters asserted.

2. The SCDOT shall have broad equitable powers in the impositions of civil sanctions, with the goal of preserving the integrity of the public contracting process and protecting the public at large. Any civil sanction imposed shall be remedial in nature and may include, but not limited to:

(a) disqualification for a specific period of time;

(b) monetary penalty;

(c) restitution and reimbursement to the Department for the cost of any investigation or proceedings relating to the circumstances leading to any sanctions; and

(d) conditions which must be met prior to restoration of a Contractor's Certificate.

3. A person may seek relief from the disqualification or suspension by requesting a contested case hearing before an Administrative Law Judge pursuant to S. C. Code Section 1-23-600 and the rules of procedure for the Administrative Law Judge Division. The request for a hearing must be made within thirty (30) days of receipt of SCDOT's Notice of Disqualification or Suspension.

#### F. Scope of Disqualification.

1. In the event a person is suspended or disqualified under this regulation, such person, and any affiliate of such person, shall be disqualified from serving as a contractor, subcontractor or supplier or performing any other service or role under any contract with the Department during the period of suspension disqualification.

2. A violation of the terms of any suspension/disqualification may be the basis of further sanction.

3. In the event that a person disqualified under this regulation is performing or providing services or materials on a Department project at the time of said disqualification, the Department may, in its discretion, allow the disqualified person to complete its obligation under the contract when such completion is in the public interest.

4. In the event a person which is a business entity is disqualified or suspended under this regulation, such disqualification or suspension shall be applicable to any principal of said business entity.

G. Duty of Disqualified/Suspended Persons. A disqualified or suspended person shall cooperate fully with any investigation by the Department or any other appropriate regulatory or law enforcement agency. Such cooperation shall include, but not be limited to, disclosure of all written or computerized records and a full and complete accounting of the person's actions in the matter under investigation. In the event a disqualified or suspended person fails to cooperate, as required by this paragraph, further remedial measures may be taken against the person, up to and including permanent disqualification. Assertion of Fifth Amendment right against self-incrimination shall not be construed as a failure to cooperate under this regulation.

H. Reinstatement of Contractor's Certificate. Any person disqualified or suspended under this regulation shall immediately lose its Contractor's Certificate. The disqualified or suspended person may apply for the reinstatement of the Contractor's Certificate upon completion of the period of suspension or disqualification and satisfaction of all conditions imposed by any final order or settlement. Any application for the reinstatement of a Contractor's Certificate shall be subject to the then existing statutory and regulatory provisions and Departmental policies relating to pre-qualification of bidders.

### 63-307. Contractor Performance Evaluation.

#### A. Contract Performance Evaluation System.

1. The South Carolina Department of Transportation may use a contract performance evaluation system to evaluate the performance of a contractor on highway and bridge construction projects and to assign a contractor performance score. The Department shall use evaluation criteria and quality audits that include, but are not limited to:

a) Objective evaluation of how well the contractor completed projects on schedule and within the bid amount;

b) Field audits conducted during construction that evaluate the contractor's performance on active projects;

c) Objective evaluation of the merit of claims filed by the contractor based on the proportional amount of each claim that was upheld and awarded to the contractor;

d) Evaluations by the Resident Construction Engineers on the contractor's completed projects, which include rating of the contractor's performance in such areas as safety, environmental issues, the contractor's personnel and equipment, public relations, and compliance with Equal Employment Opportunities statutes, the Davis Bacon Act, and Disadvantaged Business Enterprise goals.

2. The Department may revise the evaluation criteria as it deems necessary to ensure equitable evaluation of all contractors.

#### B. Minimum Required Contractor Performance Score.

The Department may require bidders to have a minimum contractor performance score to bid on a project. The Department shall determine the appropriate minimum score for a project based on an evaluation of criteria that includes, but is not limited to: design complexity, critical time constraints, environmental sensitivity, complex traffic control, location in densely populated areas, need for specialized equipment, high traffic volume, and project cost. All prequalified contractors whose contractor performance score is below the minimum shall not be allowed to bid on projects that require a minimum required contractor performance score. Prequalified contractors who have never had or do not have a current contractor performance score will not be subject to this bidding restriction.

#### C. Definitions.

1. Minimum Required Contractor Performance Score: A minimum contractor performance score set by the Department for a particular project for acceptance of bids. The minimum score shall be set based on criteria established by the Department.

2. State Highway Engineer: The Deputy Secretary of Transportation of SCDOT.

D. Contractor Performance Score. A contractor performance score for each contractor may be determined by the Department using performance evaluations and quality audits of the contractor's performance compiled by the Department. All active contractors shall be periodically notified of their contractor performance score.

E. Contractor's Right to Review of its Performance Score. A contractor may request a conference to review the calculation of its contractor performance score and the information upon which the score is determined by requesting a review conference with the Director of Construction or his or her designee.

F. Contractor's Right to Appeal Its Contractor Performance Score. A contractor may appeal its contractor performance score to the State Highway Engineer. The appeal must be in writing and include the basis for the appeal. The State Highway Engineer may consider evidence submitted by the contractor and any other relevant evidence and consult with SCDOT staff and any other person or entity for recommendations concerning the appeal. The State Highway Engineer shall make a recommendation to the Secretary, who shall issue a final agency decision on the appeal within ninety (90) days of the receipt of the appeal.

# CODE OF FEDERAL REGULATIONS

## TITLE 23: HIGHWAYS

### CHAPTER I--FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

#### SUBCHAPTER G--ENGINEERING AND TRAFFIC OPERATIONS

#### PART 635 — CONSTRUCTION AND MAINTENANCE

#### Subpart A — Contract Procedures

##### § 635.110 Licensing and qualification of contractors.

(a) The procedures and requirements a STD proposes to use for qualifying and licensing contractors, who may bid for, be awarded, or perform Federal-aid highway contracts, shall be submitted to the Division Administrator for advance approval. Only those procedures and requirements so approved shall be effective with respect to Federal-aid highway projects. Any changes in approved procedures and requirements shall likewise be subject to approval by the Division Administrator.

(b) No procedure or requirement for bonding, insurance, prequalification, qualification, or licensing of contractors shall be approved which, in the judgment of the Division Administrator, may operate to restrict competition, to prevent submission of a bid by, or to prohibit the consideration of a bid submitted by, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed.

(c) No contractor shall be required by law, regulation, or practice to obtain a license before submission of a bid or before the bid may be considered for award of a contract. This, however, is not intended to preclude requirements for the licensing of a contractor upon or subsequent to the award of the contract if such requirements are consistent with competitive bidding. Prequalification of contractors may be required as a condition for submission of a bid or award of contract only if the period between the date of issuing a call for bids and the date of opening of bids affords sufficient time to enable a bidder to obtain the required prequalification rating.

(d) Requirements for the prequalification, qualification or licensing of contractors, that operate to govern the amount of work that may be bid upon by, or may be awarded to, a contractor, shall be approved only if based upon a full and appropriate evaluation of the contractor's capability to perform the work.

(e) Contractors who are currently suspended, debarred or voluntarily excluded under 49 CFR part 29 or otherwise determined to be ineligible, shall be prohibited from participating in the Federal-aid highway program.

(f) In the case of a design-build project, the STDs may use their own bonding, insurance, licensing, qualification or prequalification procedure for any phase of design-build procurement.

(1) The STDs may not impose statutory or administrative requirements which provide an in-State or local geographical preference in the solicitation, licensing, qualification, pre-qualification, short listing or selection process. The geographic location of a firm's office may not be one of the selection criteria. However, the STDs may require the successful design-builder to establish a local office after the award of contract.

(2) If required by State statute, local statute, or administrative policy, the STDs may require prequalification for construction contractors. The STDs may require offerors to demonstrate the ability of their engineering staff to become licensed in that State as a condition of responsiveness; however, licensing procedures may not serve as a barrier for the consideration of otherwise responsive proposals. The STDs may require compliance with appropriate State or local licensing practices as a condition of contract award.



***SOUTH CAROLINA DEPARTMENT of TRANSPORTATION***  
***PRIME CONTRACTOR PREQUALIFICATION APPLICATION***  
***for***  
***HIGHWAY CONSTRUCTION PROJECTS***

----- \* \* \* -----

**Director of Construction**  
**South Carolina Department of Transportation**  
**955 Park Street, Room 330**  
**Columbia, South Carolina 29201**  
**Telephone: (803) 737-1434 Fax: (803) 737-2264**

***SCDOT FORM CA-1, Rev. July 1, 2012***

## NOTICES AND INSTRUCTIONS

The term "your Company" or "the Company" used in this application is the business entity seeking prequalification with the South Carolina Department of Transportation.

Before submitting a bid for work let to contract by the SCDOT, all prime contractors must be prequalified in accordance with South Carolina Code of Regulations, Sections 63-300 through 63-307.

Contractors applying for prequalification for the first time and Contractors whose prequalification has expired must file their *Prime Contractor Prequalification Application* with the Department at least seven (7) days prior to the date on which they desire to bid.

The requirements for prequalification are outlined in Subsection 102.1 of the *SCDOT 2007 Standard Specifications for Highway Construction*. A copy of this manual may be found on the following Internet web page:

[http://www.scdot.org/doing/construction\\_StandardSpec.aspx](http://www.scdot.org/doing/construction_StandardSpec.aspx)

The SCDOT relies upon the bidder's bonding company to determine the bidder's financial capacity to accomplish the work being bid. **THEREFORE, DO NOT SUBMIT ANY FINANCIAL DOCUMENTS WITH THIS PREQUALIFICATION APPLICATION.**

All questions must be fully answered. If questions are left unanswered or not fully answered, requested documents or information not provided, or required initials or signatures omitted, the application will not be processed until the missing information is submitted by the Contractor. Delays caused in obtaining missing information are the sole liability of the Contractor.

If there is a question that does not apply, enter "**Not Applicable**" or "N/A." If additional space is required to complete an answer, use additional pages and securely attach them to the application. If information is provided on added pages, they must include all the requested information, be properly referenced, and securely attached to the application. The attachments shall be considered covered by the affidavit and its oath.

### **THE FOLLOWING DOCUMENTS TO THE MUST BE SUBMITTED WITH THE APPLICATION:**

1. Attach a copy of **ONE** of the following:
  - a. A copy of an **EMR** (Experience Modification Rate) Notification sheet from the National Council of Compensation Insurance (NCCI) showing the **Company Name**, **EMR**, and **Effective Date of the EMR** (date must be within 12 months of the submission of the prequalification application).
  - b. A statement from your Workers Compensation agent or carrier, on their letterhead, that includes the **Company Name**, **EMR**, and **Effective Date of the EMR** (date must be within 12 months of the submission of the prequalification application).
  - c. If an EMR has not been issued, attach a copy of a letter from your Workers Compensation insurance agent **stating the reason an EMR has not been issued**.
2. If the Company has a **SSPC QP1** and **SSPC QP2** certifications (see Question 25), attach copies of the certificates.

**ALL ATTACHED PAGES MUST BE CLEARLY LABELED AND IDENTIFIABLE.**



**SUBMIT THE COMPLETED APPLICATION TO:**

DIRECTOR OF CONSTRUCTION  
SCDOT ROOM 330  
955 PARK STREET  
COLUMBIA SC 29201

If approved, the SCDOT will issue a Prequalification Certificate to the Contractor. The certificate will have a Vendor Number and an Expiration Date. To maintain uninterrupted prequalification, a new prequalification application must be submitted before the Expiration Date on the certificate. If prequalification is not renewed before the Expiration Date, the Contractor may not bid on SCDOT projects until seven (7) days after submission of a new prequalification application.

**SUBMISSION OF FALSE OR MISLEADING INFORMATION MAY RESULT IN DENIAL OF PREQUALIFICATION.**

**For questions concerning prequalification with SCDOT, contact G. A. Peck at (803)737-1434 or send e-mail to [peckga@scdot.org](mailto:peckga@scdot.org).**

**BIDDING WITH SCDOT**

Unless otherwise stated in the letting advertisement, only electronic bids submitted through the electronic bidding service, Bid Express, will be accepted. To submit an electronic bid through Bid Express, a bidder must:

1. Subscribe to Bid Express.
2. Download and install the free electronic bidding program, Expedite Bid, from Bid Express.
3. Obtain a Digital ID from Bid Express to view SCDOT letting information on Bid Express. The Contractor must furnish the SCDOT Vendor No. shown on the Prequalification Certificate to obtain the Digital ID from Bid Express.
4. Pay a Bid Express Bidding fee for bidding in South Carolina.

Allow 7 to 14 days for obtaining the preceding items from Bid Express. For information about procedures and fees for services from Bid Express, go to: [www.bidx.com](http://www.bidx.com).

**SOUTH CAROLINA DEPARTMENT of TRANSPORTATION**  
**PRIME CONTRACTOR PREQUALIFICATION APPLICATION**  
**for**  
**HIGHWAY CONSTRUCTION PROJECTS**

*(When filling-in this application on-line, hover the cursor over the field for help.)*

1. Check one: ☐ The Company is Prequalifying with the SCDOT for the First Time.  
☐ The Company's Prequalification with the SCDOT is current.  
☐ The Company's Prequalification with the SCDOT has expired.

2. The full, legal Name of the Company is:

3. Name and telephone number (including Area Code and Extension) of a Contact Person for questions concerning the preparation and information in this application:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Ext.: \_\_\_\_\_

Date Prepared: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

4. Company's street address to which letters and packages can be sent using a delivery service:

Street: \_\_\_\_\_

City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

5. Company's US Post Office Box, if applicable, for letter size documents:

PO Box: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

6. Company's Main Telephone No.: \_\_\_\_\_ Fax No: \_\_\_\_\_

7. Company's e-mail address: \_\_\_\_\_

8. Federal Employer ID No. (FEIN): \_\_\_\_\_

9. DUNS No. (Data Universal Numbering System Number): \_\_\_\_\_

10. Since SCDOT only accepts bids through BID EXPRESS, an electronic bidding service,  
is the Company a subscriber to BID EXPRESS: ☐ YES ☐ NO If NO, why not?

11. Date the Company commenced business under its present name: \_\_\_\_\_

12. How is the Company presently organized? ☐ Corporation ☐ S-Corporation ☐ LLC  
☐ Limited Partnership ☐ LLP ☐ Partnership ☐ Sole Proprietorship

If Other, explain: \_\_\_\_\_

13. If the Company is a business Corporation, Limited Partnership, Limited Liability Partnership, or Limited Liability Company, under the laws of what State was it organized? \_\_\_\_\_

***If the State is one other than SC, ATTACH a copy of the Certificate of Existence or other similar document issued by the Secretary of State of the foreign State.***

14. If the Company is a business Corporation, Limited Partnership, Limited Liability Partnership, or Limited Liability Company, has it filed the required documents with the SC Secretary of State to transact business in South Carolina ? ☐ YES ☐ NO

***If NO, be aware that the Company must file appropriate documents with the South Carolina Secretary of State before beginning work on a SCDOT project.***

15. Check the box where the Company's gross receipts would fall for the last full fiscal year:

\$0 ☐ \$500,000 ☐ \$1,000,000 ☐ \$5,000,000 ☐ \$10,000,000 ☐ \$10,000,000+

16. What is/are the primary type(s) of highway construction work performed by the Company?

17. Company's latest Experience Modification Ratio (EMR or E-Mod) used by the Workers

Compensation insurance carrier to modify the Company's premiums: \_\_\_\_\_

EMR was issued by: ☐ NCCI ☐ State Insurance Board ☐ Carrier ☐ N/A

Effective Date of EMR: \_\_\_\_\_

Name of Worker's Compensation insurance carrier: \_\_\_\_\_

Name of Insurance Agency: \_\_\_\_\_

Name of Agent: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ Ext. \_\_\_\_\_

***Attach a copy of the latest EMR notification and worksheets from the National Council of Compensation Insurance (NCCI), State Insurance Board or Commission, Insurance Carrier, or other issuing agency. The notification MUST show the Company's Name, EMR, and Effective Date of the EMR. If the Company does not qualify for an EMR, attach a copy of a letter from the Company's Workers Compensation Agent or Carrier stating the reason why the Company does not qualify for an EMR. The letter must include the Effective Date of the Workers Compensation Policy. A PREQUALIFICATION WILL NOT BE PROCESSED WITHOUT ONE OF THESE TWO SUBSTANTIATING DOCUMENTS.***

18. Name of the last Surety company used by the Company:   
Name of Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Ext.: \_\_\_\_\_
19. How many years has the Company been in business under the present name? \_\_\_\_\_
20. Has the Company done work for the SCDOT as a prime contractor or a subcontractor under another name or names? ☐ YES ☐ NO ☐  
If YES, what other names:
21. Has the Company done roadway construction work? ☐ YES ☐ NO
22. How many years of experience does the Company have working as a Prime Contractor? \_\_\_\_\_
23. How many years of experience does the Company have working as a Subcontractor? \_\_\_\_\_
24. Does the Company have a current General Contractor's or Mechanical Contractor's license issued by the SC Department of Labor, Licensing, and Regulation? ☐ YES ☐ NO  
If YES, provide the License Number: \_\_\_\_\_  
Classifications and Limits: \_\_\_\_\_  
Name of Qualifying Party: \_\_\_\_\_
25. If the Company is a painting Contractor, answer this question: otherwise, skip to next question:  
Does the Company have a current SSPC-QP1 Certificate? ☐ YES ☐ NO  
*If YES, provide a copy of the certificate with this application.*  
Does the Company have a current SSPC-QP2 Certificate? ☐ YES ☐ NO  
*If YES, provide a copy of the certificate with this application.*
26. In order to evaluate the Company's manpower, provide the following information:  
*(DO NOT LIST Officers or Administrative personnel unless they actually perform the duties of the job titles and work in the Company's Construction Division.)*  
How many employees are in the Construction Division of the Company: \_\_\_\_\_  
How many employees are: Project Managers \_\_\_\_\_ Estimators \_\_\_\_\_  
Field Superintendents \_\_\_\_\_ Foremen \_\_\_\_\_

27. In the following table, provide the Name, Length of Time Employed (with the Company), and Years of Construction Experience of the three most experienced Project Managers, Estimators, Field Superintendents, and Foremen. **DO NOT SUBMIT RESUMES IN LIEU OF THIS TABLE**

NAME (First Name, MI, Last Name)	Length of Time with Company	Years of Construction Experience
<b>Projects Managers</b>		
<b>Estimators</b>		
<b>Field Superintendents</b>		
<b>Foremen</b>		

28. Has the Company ever failed to complete a construction contract or project for the SCDOT or any Federal, State, County, Municipal, or any other government agency?

☐ YES    ☐ NO    *If YES, attach a page with complete details.*

29. Has any owner, member, partner, stockholder, officer, manager, or employee of the Company ever owned an interest in a company that failed to complete a construction contract or project for the SCDOT or any Federal, State, County, Municipal, or any other government agency?

☐ YES    ☐ NO    *If YES, attach a page with complete details.*

30. Is the Company, its parent, affiliate, or subsidiary company presently suspended, disqualified, debarred, or prohibited from working or bidding with the SCDOT or any Federal, State, County, Municipal, or any other government agency?

☐ YES    ☐ NO    *If YES, attach a page with complete details.*

31. Is any owner, member, partner, stockholder, officer, manager, or employee of the Company presently suspended, disqualified, debarred, or declared ineligible from doing business with the SCDOT or any Federal, State, County, Municipal, or any other government agency?  
☐ YES      ☐ NO      *If YES, attach a page with complete details.*
32. In the past three (3) years, has any person or company referred to in Questions 28, 29, 30, or 31 been indicted for, pled guilty to, pled nolo contendere to, or convicted of violation of an Antitrust law or of an act prohibited by a state or federal law committed in any jurisdiction of the United States involving fraud, collusion, or conspiracy with respect to bidding on or the performance of public contracts?  
☐ YES      ☐ NO      *If YES, attach a page with complete details.*
33. Is any person or company referred to in Questions 28, 29, 30, 31, or 32 currently serving a sentence or owes restitution as a result of a violation of any act prohibited by any State or Federal law with respect to bidding on or performing a public contract?  
☐ YES      ☐ NO      *If YES, attach a page with complete details.*
34. In the past three (3) years, has any person or company referred to in Questions 28, 29, 30, or 31 been indicted for, pled guilty to, pled nolo contendere to, or convicted of embezzlement, theft, forgery, bribery, receiving stolen property, or any other offense in a jurisdiction in the United States indicating a lack of business integrity or business honesty, which seriously and directly affects the question of responsibility as a contractor?  
☐ YES      ☐ NO      *If YES, attach a page with complete details.*
35. Is the Company under the protection of a Bankruptcy Court, or does the Company have a pending petition in a Bankruptcy Court, or has there been an assignment for the benefit of creditors?  
☐ YES      ☐ NO      *If YES, attach a page with complete details.*
36. Is the Company prequalified for highway construction work as a Prime or Subcontractor with any State DOT other than the SCDOT?  
☐ YES      ☐ NO      *If YES, provide information in table below.*

State DOT	Prime, Sub, or Both	What Areas of Works and Limits (if any)

37. List ALL the Officers of the Company in the table below:

Name First Name, Middle Initial, Last Name	Title or Position

38. Does the Company have subsidiary, affiliate, and/or parent companies? ☐ YES ☐ NO  
 If YES, enter parent's, affiliate's, or subsidiary's name, city, and state or foreign country in boxes below. Do not include the prequalifying applicant's name in the boxes below.

*(Use the pull down list to choose Parent, Affiliate, or Subsidiary)*

Is it Prequalified  
with SCDOT?

☐ YES ☐ NO



Is it Prequalified  
with SCDOT?

☐ YES ☐ NO



Is it Prequalified  
with SCDOT?

☐ YES ☐ NO



Is it Prequalified  
with SCDOT?

☐ YES ☐ NO



Is it Prequalified  
with SCDOT?

☐ YES ☐ NO



Is it Prequalified  
with SCDOT?

☐ YES ☐ NO

39. Provide the names of the individuals (internal and external) or companies that have a financial holding of more than five percent (5%) in the Company, and give the amount (%) of the holding.

Name of Person or Company (If Person, First Name, MI, Last Name)	Amount (%) of Financial Holding

40. Is the Company currently certified as a Disadvantaged Business Enterprise (DBE) or a Disadvantaged Woman's Business Enterprise (DWBE) certified by the South Carolina Unified Certification Program? ☐ YES ☐ NO  
 If YES, check which one: ☐ DBE ☐ DWBE List certified work areas below:

41. Has the Company ever failed to meet a DBE or DWBE contract goal? ☐ YES ☐ NO  
*If YES, attach a page with complete details. Include whether or not penalties were assessed.*

42. Is the Company currently certified by the SCDOT as a Small Business Enterprise (SBE)?  
☐ YES ☐ NO

43. Was there ever a contract on which the Company bid, but did not win, but ended up working a subcontractor to the winning bidder?  
☐ YES ☐ NO

44. Has the Company ever been involved in an investigation about collusion or bid rigging?  
☐ YES ☐ NO  
*If YES, attach a page with complete details. Include whether or not indictments resulted.*

45. Does the Company have ownership in a quarry, asphalt plant, or liquid AC terminal?  
☐ YES ☐ NO

*If YES, attach a page with complete details. Include name of facility, location, products, other owners, how long has the company been the owner, do you sell material to other contractors?*



46. In the table below, enter the number of pieces of each type of the operational construction equipment that is leased or owned by the Company.

*This table must be filled-in, or a similar table may be substituted.*

Type of Equipment	O	L	Type of Equipment	O	L	List Addition Equipment (if required)	Type of Equipment	O	L
Truck w/Aerial Lift			Pugmill						
Truck w/pole trailer			Joint/Crack Sealer						
Truck, Articulated			Rock Crusher						
Truck, Dump			Rock Saw						
Truck, Flatbed			Roller, Rubber-Tire						
Truck, Off-Road Dump			Roller, Sheepsfoot						
Truck, Pickup			Roller, Vibratory						
Truck, Service/Lube/Fuel			Aerial Lift						
Truck, Tanker			Air Compressor						
Truck, Tractor Trailer			Barge/Safety Boat						
Truck, Utility/Box			Br. Deck Snooper						
Truck, Water			Crane, Rubber Tire						
Trailer, Cable/Wire			Crane, Track						
Trailer, Equipment			Concrete Breaker						
Trailer, Lowboy			Generator						
Trailer, Pole			Jack Hammer						
Trailer, Utility			Industrial Heater/Cooler						
Backhoe, Rubber Tire			Pile Driving Equipment						
Backhoe, Track			Jack & Bore Equipment						
Bulldozer			Pipe Fusion Machine						
Drag-Line			Pipelayer						
GIS Units			Trench Box						
Motor Grader			Trencher						
Pulverizer			Cultivator/Tractor						
Road Widener			Hydroseeder						
Scraper/Pan			Logging/Clearing Equip.						
Skip Loader			Mower						
Soil Stabilizer			Chipper						
Asphalt Paver			Tub Grinder						
Asphalt Plants			Bridge Painting Equipment						
Grinder			Dust/Paint Contain. Equip.						
Reclaimer			Sand/Shot/Water Blaster						
Sweeper/Broom			Skid Steer/Bobcat						
Liquid Asphalt Sprayer			Crack Sealing Equipment						
Chip Distributer			Line Painting Equipment						
Cold Planer			Arrowboard						
Concrete Barriers			Message Board						
Concrete Batch Plant			RPM Application Equip.						
Concrete Br. Deck Screed			Thermoplastic Applicator						
Concrete Deck Finisher			Truck-Mounted Attenuator						
Concrete Dowel Bar Drill			Light Tower						
Concrete Floats			Power Washer						
Concrete Forms			Snow Plow						
Concrete Mixer, Truck			Motar Mixer						
Concrete Mixer, Portable			Forklift						
Concrete Slipform Paver			Storage Container						
Slipform, Curb/Barrier			Tool Storage Container						
Concrete Pump			Construction Office/Trailer						

**WORK CODES FOR CONTRACTOR WORK EXPERIENCE FOR USE IN QUESTIONS 47, 48, & 49  
(USE ONLY WORK CODES FOR WORK PERFORMED BY YOUR COMPANY'S OWN FORCES AND EQUIPMENT)**

Code	Roadway Experience	Code	Highway Structures Experience	Code	Miscellaneous (Continued)
2	Road Construction - New	40	Bridges - New	68	Fencing
3	Roadway Widening	41	Bridge Replacement & Apprs.	69	Hardscapes or Streetscapes
4	Asphalt Paving & Resurfacing	42	Bridge Rehab & Widening	70	Hauling Construction Material
5	Asphalt Surf. Treat. (Chip Seal)	43	Bridge - Emergency Repair	71	Hazardous Material Removal
6	Full Depth Reclamation (FDR)	44	Bridge Cleaning and Painting	72	Horizontal Jacking & Boring
7	Base & Subbase Work	45	Bridge Jacking	73	Impact Atten. / Crash Cushions
8	Catch Basins, Manholes, etc	46	Bridge Joint Install. or Repair	74	Landscaping & Plantings
9	Clearing and Grubbing	47	Concrete Patching - Structures	75	Milled-In Rumble Strips
10	Concrete Paving - Roadway	48	Dredging or Channel Clearing	76	Mowing or Vegetation Control
11	Concrete Rdwy Joint Seals	49	Drilled Shafts or Pile Foundation	77	Noise Barriers
12	Concrete Sdwks & Driveways	50	Mech. Stabilized Earth Walls	78	Overhead Sign Structures
13	Crack Sealing - Asphalt Rdwy	51	Non-AC Overlay - Br. Decks	79	Drainage & Pipe Installation
14	Curb or Curb & Gutter	52	Pile or Drilled Shaft Testing	80	Shotcreting
15	Roadway Excavation & Grading	53	Rebar - Placing & Tying	81	Sand, Shot, or Water Blasting
16	Asphalt Roadway Patching	54	Retaining Walls - CIP	82	Soil Stabilization
17	Concrete Roadway Patching	55	Structure Excavation	83	Traffic Control Services
18	Guardrail - Stl Bm or Cable Barr.	56	Structure Removal	84	Waterproof. - Substr. or Deck
19	Macro-surfacing	57	Temporary Bridges	<b>Non-Highway Experience</b>	
20	Micro-surfacing	58	Culverts - New	90	Airport Runways & Taxiways
21	Milling & Grinding	59	Culverts - Replacement	91	Building Demolition & Removal
22	Pavement Markings	<b>Miscellaneous Experience</b>		92	Buildings - New or Rehab.
23	Raised Pavement Markers	60	Brick, Block, Stone Masonry	93	Site Prep
24	Roller Compacted Concrete	61	Camera & ITMS Cable	94	Concrete Work - Non-Rdwy
25	Roadway Lighting	62	Cofferdams & Sheetpiling	95	Industrial Painting
26	Traffic Signals	63	Concrete Barriers - CIP	96	Marine Docks, Fenders, etc
27	Traffic Signs - Permanent	64	On call services	97	Paving & Resurf. - Non-Highway
28	Perm. or Temp. Vegetation	65	Environmental Mitigation	98	Public Utilities Install & Repair
29	Shoulder Widening	66	Epoxy/Grout Crack Injection	99	Storm Debris Remove
30	Design-Build Projects	67	Erosion Control	100	Water or Sewer Plants

**Note: The Department will assign the work experience classification of General Contractor based on diversity of experience and the number and size of completed projects.**

**PLEASE DO NOT REMOVE THIS PAGE FROM APPLICATION**

47. As of the date of the preparation of this application, list the TEN (10) LARGEST construction projects the Company has been awarded, but has not completed, as a prime or a subcontractor.

***This table must be filled-in, or only a table with the same headings may be substituted.***

<b>Contract Dollar Amount</b>	<b>Performed Work as a Prime or a Subcontractor</b>	<b>Type of work Performed (use codes)</b>	<b>Percent Complete</b>	<b>Name of Project Owner Contact Person: Name Address Telephone Number</b>	<b>Project Reference File or No.</b>

48. As of the date of the preparation of this application list the LAST FIVE (5) construction projects the Company has completed as a prime or a subcontractor.

***This table must be filled-in, or only a table with the same headings may be substituted.***

Contract Dollar Amount	Worked as a Prime or Subcontractor	Type of Work Performed (use codes)	Date Company's Project Work Completed	Name of Project Owner Contact Person: Name Address Telephone No.	Project Reference File or No.

49. List the THREE (3) LARGEST construction projects the Company has completed as a prime or a subcontractor not included in the list in Question 48.

***This table must be filled-in, or only a table with the same headings may be substituted.***

Contract Dollar Amount	Worked as a Prime or Subcontractor	Type of Work Performed (use codes)	Date Company's Project Work Completed	Name of Project Owner Contact Person: Name Address Telephone No.	Project Reference File or No.

50. In the table below, provide the requested information for Subcontractors that have furnished quotes to your Company for Subcontract work in relation to bids, which your Company has submitted ON SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECTS during the past 12 months. List all Subcontractors that have furnished quotes even if your Company was not successful in obtaining the Contract or even if your Company gave no work to the Subcontractor. A Subcontractor that has quoted multiple times need only be listed once.

☐ *Check this box if information is provided on attached pages instead of in the table below.*

☐ Check this box if the Company did not receive any quotes on a SCDOT project during the last 12 months.

Subcontractor's Name	FEIN	Address City, State Zip Code	Telephone No.	Type of Work Quoted

51. What is the name, title, and address of the Officer in the Company who is designated to receive the Company's Contractor Performance Score (CPS):

The Officer named above, is required to HAVE read the on-line document entitled *CPE POLICIES & PROCEDURES*, which is available on the SCDOT Internet website using the following link:

[http://www.scdot.org/doing/contractor\\_Prequalified.aspx](http://www.scdot.org/doing/contractor_Prequalified.aspx)

On page 15 of this application, the officer designated above must sign a notarized statement, which states that the Officer has read and fully understands the affect that the CPE POLICIES & PROCEDURES may have on the Company's ability to bid on SCDOT projects.



## **AFFIDAVIT**

***Note: The name of the person being sworn and executing this Affidavit must be in the table in Question 52, on the previous page, and must have authority to approve, sign, and execute Code 1 documents as defined on the preceding page.***

\_\_\_\_\_, BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE IS AUTHORIZED TO EXECUTE THIS AFFIDAVIT FOR AND ON BEHALF OF THE APPLICANT COMPANY, AND THE ANSWERS TO THE FOREGOING QUESTIONS, AND FURTHER THAT ALL STATEMENTS HEREIN CONTAINED, ARE TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE.

Sworn and subscribed to before me

on this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Name of Applicant Company)

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
**\*\* (Notary Public Signature above)**

**\*\*Notary cannot be an Officer of the Company**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Notary Public Name above)

\_\_\_\_\_  
(Title)

Notary Public in State of

\_\_\_\_\_

My Commission Expires:

\_\_\_\_\_

***Notary Public seal is required if all blank lines above are not filled out.***

**ACKNOWLEDGEMENT**  
**of the**  
**SCDOT CONTRACTOR PERFORMANCE EVALUATION**  
**POLICIES and PROCEDURES**

**By signing this form as an Officer of the Company named below, I have read and fully understand and acknowledge the *SCDOT Contractor Performance Evaluation Policies and Procedures* document posted on the SCDOT Internet website; and further, that I fully understand its impact on the Contractor's ability to bid on SCDOT construction projects.**

\_\_\_\_\_  
(Print the Name of the Company)

\_\_\_\_\_  
(Print the Name of the Officer)

\_\_\_\_\_  
(Print the Title of the Officer)

\_\_\_\_\_  
(Signature of the Officer)

Subscribed and sworn to before me

**NOTICE: Notary cannot be an Officer  
of the Company.**

on \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of Notary

Notary Public

of \_\_\_\_\_ County

State of \_\_\_\_\_

My Commission Expires:

on \_\_\_\_\_ 20\_\_



**ACKNOWLEDGEMENT**  
**of the**  
**PRIME CONTRACTOR'S RESPONSIBILITIES**

**IF THERE IS ANY CHANGE TO THE INFORMATION PROVIDED IN THIS APPLICATION AFTER IT HAS BEEN SUBMITTED, IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO SUBMIT A WRITTEN DOCUMENT ADVISING THE DIRECTOR OF CONSTRUCTION'S OFFICE OF THE CHANGE WITHIN FIFTEEN (15) DAYS OF THE OCCURRENCE OF THE CHANGE.**

**IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO RENEW ITS PREQUALIFICATION BEFORE THE EXPIRATION DATE OF THE CURRENT CERTIFICATE.**

**By signing this form as an Officer of the Company, I acknowledge and accept the responsibilities stated above on behalf of the Company named below:**

---

**(Print the Name of the Company)**

---

**(Print the Name of the Officer)**

---

**(Print the Title of the Officer)**

---

***(Signature of the Officer)***

**NOTICE: Notary cannot be an Officer  
of the Company**

Subscribed and sworn to before me

on \_\_\_\_\_ 20\_\_

---

Signature of Notary

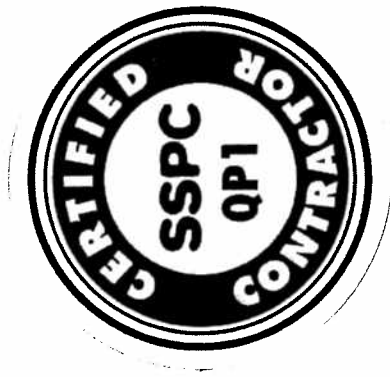
Notary Public

of \_\_\_\_\_ County

State of \_\_\_\_\_

My Commission Expires:

on \_\_\_\_\_ 20\_\_



[Redacted]  
of [Redacted]

*has met or exceeded the requirements set forth in the  
SSPC Painting Contractor Certification Program for*

# FIELD APPLICATION OF COATINGS COMPLEX STRUCTURES SSPC-QP1

*J Bruce Healey*  
.....  
President, SSPC

March 31, 2009 – March 31, 2010

.....  
*Validation Period*

Owners are advised to contact SSPC at 412-281-2331 ext. 2235 or ext. 2209 to verify authenticity of certification.



[Redacted]

of

[Redacted]

has met or exceeded the requirements set forth in the  
SSPC Painting Contractor Certification Program for

# INDUSTRIAL HAZARDOUS PAINT REMOVAL SSPC-QP2

"A"

Category

*J. Bruce Henley*

President, SSPC

March 31, 2009 – March 31, 2010

Validation Period

Owners are advised to contact SSPC at 412-281-2331 ext. 2235 or ext. 2209 to verify authenticity of certification.



South Carolina Department of Transportation  
Columbia, South Carolina

**SOUTH CAROLINA DEPARTMENT  
OF  
TRANSPORTATION**

**PRIME CONTRACTOR**

**PREQUALIFICATION CERTIFICATE**

*This Certifies that, **(COMPANY NAME)**, a contractor located in **(City, State)**, having complied with the rules and regulations of the Department and the State of South Carolina, and subject to the rules and regulations for a prime contractor, is declared eligible to submit a bid and be awarded any construction contract issued by the Department, subject to obtain proper bonds and insurance acceptable to the Department and complying with all other statutory and contract requirements.*

**ALL BIDS SUBMITTED TO THE DEPARTMENT MUST BE IN THE NAME AS SHOWN ABOVE.**

**SCDOT PRIME CONTRACTOR VENDOR NO.: **(1XX###)****

**ISSUED AT COLUMBIA, SOUTH CAROLINA, ON **(DATE)**.**

**THIS CERTIFICATE EXPIRES ON **(DATE)**.**

Approved By: \_\_\_\_\_  
SCDOT Contracts Engineer

**As of **(DATE)**, this contractor's Contractor Performance Score (CPS) is **(CPS)**.**

## PREQUALIFICATION NOT APPROVED

REASON(S) FOR NOT APPROVING THE PRIME CONTRACTOR PREQUALIFICATION OF:

☐ False statement(s) in questionnaire.

☐ Not enough qualified personnel.

☐ Not enough experience.

☐ Not enough proper equipment.

☐ Answered YES to questions 17, 18, 19, 20, 21, 23, or 24 and situation not resolved.

☐ Other.

Submitted by:

\_\_\_\_\_  
Contracts Engineer

\_\_\_\_\_  
Date

Concurrence by:

\_\_\_\_\_  
Director of Construction

\_\_\_\_\_  
Date